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November 7, 2023

File No. 40982.40

VIA ECF

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *Catherine McKoy, et al. v. Trump Corp., et al.*
Case No. 1:18-cv-9936(LGS)(SLC)

Dear Judge Schofield:

As you are aware, this firm along with Robert & Robert PLLC represents the Defendants in the above-referenced action. We write in response to the letter from Plaintiffs' counsel Roberta A. Kaplan (ECF No. 651) requesting that the telephonic conference on November 8, 2023 be conducted in person.

Ms. Kaplan's request is nothing more than a transparent attempt to drum up media attention for herself and her firm, and to continue "litigating" this action beyond the courtroom. There is simply no reason, basis, or need for an in-person conference, and Ms. Kaplan has stated none. Indeed, Ms. Kaplan's only purported basis for her request is the vague, amorphous contention that the issues to be addressed at the conference are "important" to her clients. Ms. Kaplan's rank speculation regarding the "very real possibility" that her clients "will lose any opportunity for a merits trial" fares no better, and likewise provides no reason, basis, or need to haul counsel down to Court when a telephonic conference can indisputably accomplish the same goal.

The reality is that as a result of this Court's October 17, 2023 Order (ECF 640), there is nothing left to litigate in this action. Plaintiffs' alleged total out-of-pocket losses on the remaining state law claims totals roughly \$7,000 and, for the reasons set forth in Defendants' October 24, 2023 letter (ECF 642-1), this case should be dismissed or, alternatively, the remaining state law claims should be severed and transferred to the appropriate District Courts.

Accordingly, the Court should deny Ms. Kaplan's request.

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Thank you for your attention to this matter.

Respectfully,

/s/ Peter T. Shapiro

Peter T. Shapiro of
LEWIS BRISBOIS BISGAARD & SMITH LLP

cc: All Counsel of Record (via ECF)